

No. 9/6/86-6Lab./9402.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s Secretary, Haryana State Agricultural Marketing Board, Sector 6, Panchkulla.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Reference No. 194 of 1985

SHRI PIYAR CHAND WORKMAN S/O SHRI HIRU RAM C/O SHRI JANAK RAJ
SHARMA, OPPOSITE BANK OF BARODA, COURT ROAD, AMBALA CITY
AND THE MANAGEMENT OF THE MESSRS SECRETARY, HARYANA
STATE AGRICULTURAL MARKETING BOARD, SECTOR 6,
PANCHKULLA.

Present:—

Shri J. R. Sharma for workman.

Shri P. C. Vatrana for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred,—vide clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 referred disputes between Shri piyar Chand and Messrs Haryana State Agricultural Marketing Board, Panchkulla to this court. The terms of the reference are as under :

“Whether termination of services of Shri Piyar Chand is justified and correct, if not to What relief is he entitled ?

Workman alleged that he was in the employment of respondent Management for the last more than 240 days. His services were terminated in violation of provisions section 25 (F) of Industrial Disputes Act, 1947. He prayed for his reinstatement with continuity in service and with full back wages.

Respondent Management contested the dispute and contended that respondent Management is not an industry. So it does not come in the definition of Industry, hence the workman cannot redress any relief from this court. It was also contended that workman was appointed on three months basis. As soon as the service period of the workman came to an end his services stood automatically terminated. It was also contended that workman never remained in the service of respondent management either for 240 days or more than 240 days.

Workman filed replication through which he controverted the allegations of the respondent management.

On the pleadings of the parties the following issues were framed:

Issues:

1. Whether termination order regarding services of workman is justified and correct, if not, to what relief is he entitled ? OPM
2. Whether dispute is not covered in the definition of industry ? OPM
3. Whether applicant is not a workman as defined in Industrial Disputes Act, 1947 ? OPM
4. Whether applicant was employed on contractual basis, if so its effect ? OPM
5. Relief.

Management in support of its case examined Shri P. C. Sharma closed its evidence. Reference was fixed for evidence of the workman. At this stage parties arrived at an compromise. Shri P. C. Vatrana made statement that respondent-management is willing to take back the workman in the and shall also make payment of retrenchment compensation from the date of appointment [revesi] day of termination as per rules, in other words 15 days wages. He also stated that benefit of continuity in service shall be given but no back wages shall be paid to the workman.

This statement of A. R. of Management has been accepted by the workman and his A. R.

In view of the above compromise arrived at between the parties. I order that the workman be taken in service on or before 1st October, 1986, Retrenchment compensation be paid in due course. Workman shall be entitled to the benefit of continuity in service, however workman shall not be entitled to the back wages, of the period during which he remained out of job and employment of the respondent-management as per the compromise arrived at between the parties accordingly.

V. P. CHAUDHARY,

Dated the 25th September, 1986.

Presiding Officer,
Labour Court, Ambala.

Endst. No. 2478, dated 24th September, 1986

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of I. D. Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

No. 9/6/86-6Lab./9403.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s (i) P. K. Sagar Contractor Bailing Saw Mills Ballarpur, Industries Ltd., Unit Shree Gopal, Yamuna Nagar, (ii) Vidyadhar Mishar and Shanker Tiwari Contractor, Bailing Board, Saw Mills, Ballarpur, Industries, Ltd., Unit Shree Gopal Yamuna Nagar.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT
AMBALA

Reference No. 372 of 1984

Old No. 286 of 1983

Mixe. No. 25 of 1986

SHRI RAM ACHAL, WORKMAN, C/O SHRI BALBIR SINGH, 126, LABOUR COLONY,
YAMUNA NAGAR AND THE MANAGEMENT OF THE MESSRS P. K. SAGAR,
CONTRACTOR BAILING BOARD SAW MILLS BALLARFUR INDUSTRIES
LTD., UNIT SHREE GOPAL YAMUNA NAGAR; (ii) VIDYADHAR
MISHAR AND THE SHANKER TIWARI CONTRACTOR, BAILING
BOARD SAW MILLS BALLARPUR INDUSTRIES LTD., UNIT
SHREE GOPAL YAMUNA NAGAR

Present:

None for workman.

Shri Surinder Sharma for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred,—vide clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 referred dispute between Shri Ram Achal and Messrs P. K. Sagar etc., to this court. The terms of the reference are as under :—

“Whether termination of services of Shri Ram Achal was justified and in order, if not to what relief is he entitled ?

Workman alleged that he was in the employment of Respondent Management. His services were terminated in violation of section 25 (F) of Industrial Disputes Act, 1947. He further prayed that he be got reinstated with continuity in service and with full back wages.

Notices were served upon the Respondents. Respondent No. 1 was given up. Respondent No. 2 contested the claim of the workman contending that workman is not entitled to relief claimed for. It was also contended that respondent firm does not exist. So workman has no right of relief against the firm which does not exist.

On the pleadings of the parties the following issues were framed :—
Issues :

1. Whether termination of services of workman is unjust and illegal, if so its effect?
2. Whether respondent's firm does not exist, if so its effect?
3. Relief.

The reference was posted for workman evidence. But today neither workman nor his A. R. appeared. Shri Bilbar Singh despatched one Anil Kumar to represent him. But Shri S. Sharma pointed out that either workman should have come in person or Shri Balbir Singh and Shri Anil Kumar must have been authorised by the workman to appear in court and contest his case. There is no authority letter, in favour of, Shri Balbir Singh, so he also cannot represent the claim of the workman. Nor he can authorise Shri Anil Kumar to appear on his behalf and on behalf of workman.

Keeping in view of the above prayer of Shri S. Sharma I have no other alternative but to dismiss the case. Accordingly the reference is dismissed in default.

Dated the 17th September, 1986.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court,
Ambala.

Endorsement No. 2387, dated 19th September, 1986.

Forwarded (four copies), to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court,
Ambala.

No. 9/6/86-Lab./9404.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s (i) P. K. Sagar Contractor Bailing Saw Mills Ballarpur Industries Ltd., Unit Shree Gopal, Yamuna Nagar (ii) Vidyadhar Mishar and Shanker Tiwari Contractor, Bailing Board, Saw Mills, Ballarpur Industries Ltd., Unit Shree Gopal Yamuna Nagar.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Reference No. 368 of 1984 .

(Old No. 290 of 1983) .

Mixe Ref. No. 28 of 1986

SHRI ARJAN, WORKMAN C/O SHRI BALBIR SINGH 126, LABOUR COLONY,
YAMUNA NAGAR AND THE MANAGEMENT OF THE MESSRS P. K. SAGAR
CONTRACTOR BAILING SAW MILLS BALLARPUR INDUSTRIES LTD.,
UNIT SHREE GOPAL YAMUNA NAGAR. (ii) VIDYADHAR MISHAR
AND SHANKER TIWARI CONTRACTOR, BAILING BOARD SAW
MILLS BALLARPUR INDUSTRIES LTD., UNIT SHREE GOPAL
YAMUNA NAGAR

Present.—

None for workman.

Shri Surinder Sharma for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred.—vide clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 referred dispute between Shri Arjan and Messers P. K. Sagar etc. to this Court. The terms of the reference are as under :—

“Whether termination of services of Shri Arjan was justified and in order. if not to what relief is he entitled ?”

Workman alleged that he was in the employment of respondent-management. His services were terminated in violation of section 25 (F) of Industrial Disputes Act, 1947. He further prayed that he be got reinstated with continuity in service and with full back wages,

Notices were served upon the Respondents. Respondent No. 1 was given up. Respondent No. 2 contested the claim of the workman contending that workman is not entitled to relief claimed for. It was also contended that respondent's firm does not exist. So workman has no right of relief against the firm which does not exist.

On the pleadings of the parties the following issues were framed :—

Issues :

1. Whether termination of services of workman is unjust and illegal, if so its effect ?
2. Whether respondent's firm does not exist, if so, its effect ?
3. Relief.

The reference was posted for workman evidence. But today neither workman nor his A. R. appeared. Shri Balbir Singh despatched one Anil Kumar to represent him. But Shri S. Sharma pointed out that either workman should have come in person or Shri Balbir Singh and Shri Anil Kumar must have been authorised by the workman to appear in court and contest his case. There is no authority letter, in favour of, Shri Balbir Singh, so he also cannot represent the claim of the workman. Nor he can authorise Shri Anil Kumar to appear on his behalf and on behalf of workman,

Keeping in view of the above prayer of Shri S. Sharma I have no other alternative but to dismiss the case. Accordingly the reference is dismissed in default.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court,
Ambala.

Dated the 17th September, 1986.

Endst. No. 2386, dated the 19th September, 1986.

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court,
Ambala.

No. 9/6/86-6Lab./9405.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the workman and the management of M/s International Instrument Manufacture Company, Harbanspura Colony, Yamuna Nagar.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Reference No. 16 of 1985

SHRI TARA CHAND WORKMAN C/O DR. SURINDER KUMAR SHARMA, INTUC
OFFICE RAILWAY ROAD, JAGADHRI AND THE MANAGEMENT OF THE
MESSRS INTERNATIONAL INSTRUMENT MANUFACTURE COMPANY,
HARBANSPURA COLONY, YAMUNA NAGAR

Present :

None for workman.

Shri S. Bindra for the respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred,—vide Clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 referred dispute between Shri Tara Chand and Messrs International Instrument Manufacture Company, Yamuna Nagar to this Court. The terms of the reference are as under :—

“Whether termination of services of Shri Tara Chand is justified and correct, if not to what relief is he entitled ?”

Workman alleged that he was employed in the service of respondent-management since 1st November, 1977 as a Turner. His services were terminated on 31st July, 1984 in violation of section 25 (F) of the Industrial Disputes Act, 1947. He prayed for his reinstatement with continuity in service and with full back wages.

Respondent-management appeared, contested the dispute and contended that there is no relationship of employee and employer between the parties. Applicant has been running an independent workshop at Yamuna Nagar and has been doing the job works for another small establishments. It was further contended that applicant never remained in the employment of respondent-management, so question of termination of his services does not arise. It was further contended that the claim of the workman is false and baseless it be rejected.

On the pleadings of the parties the following issues were framed for the just decision of this dispute.

Issues :

1. Whether termination order dated 31st July 1984 is just if not its effect ? OPM
2. Whether there is no relationship of employee and Employer between the parties, if so its effect ? OPM
3. Relief.

Management in support of its case examined three witnesses and thereafter the case remained pending for recording evidence of the workman. Workman afforded seven opportunities to lead evidence but neither workman nor any evidence was produced, so no evidence could be recorded. Today the case was fixed for workman evidence but workman as well as his A. R. both absented and reference is dismissed in default.

V. P. CHAUDHARY,

Dated the 17th September, 1986.

Presiding Officer,
Labour Court, Ambala.

Endst. No. 2384, dated the 19th September, 1986.

Forwarded (four copies) to the Financial Commissioner & Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

The 26th November, 1986

No. 9/6/86-6 Lab./9406.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of Secretary Haryana State Agricultural Marketing Board, Sector 6, Panchkula.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, AMBALA

Reference No. 200 of 1985

between

SHRI BHAGWAT SINGH, S/O SHRI DOLAT SINGH C/O SHRI JANAK RAJ SHARMA, A/D CIVIL COURT, AMBALA CITY, AND THE MANAGEMENT OF MESSRS SECRETARY HARYANA STATE AGRICULTURAL MARKETING BOARD, SECTOR 6 PANCHKULA

Present.—

Shri Janak Raj, for workman.

Shri P. C. Vatrana, for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred,—vide clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 referred dispute between Shri Bhagat Singh and Messrs Haryana State Agricultural Marketing Board, Panchkula to this court. The terms of the reference are as under :—

Whether termination of services of Shri Bhagwat Singh, is justified and correct, if not, to what relief is he entitled ?

Workman alleged that he was in the service of Respondent-management for the last more than 240 days. His services were terminated in violation of provisions of section 25(F) of Industrial Disputes Act, 1947. He prayed for his re-instatement with continuity in service and with full back wages.

Respondent-management contested the dispute and contended that respondent-management is not an industry, so it does not come in the definition of industry, hence the workman cannot redress any relief from this court. It was also contended that workman was appointed on three months basis. As soon as the service period of the workman came to an end his services stood automatically terminated. It was also contended that workman never remained in the service of respondent-management either for 240 days or more than 240 days.

Workman filed replication through which he controverted the allegations of respondent-management.

On the pleadings of the parties the following issues were framed ;

Issues :

1. Whether termination order regarding services of workman is justified and correct, if not, to what relief is he entitled ? OPM
2. Whether dispute is not covered in the definition of industry ? OPM.
3. Whether applicant is not an workman as defined in Industrial Disputes Act, 1947 ? OPM.
4. Whether applicant was employed on contractual basis, if so, its effect ? OPM.

Relief :

Management in support of its case examined Shri P.C. Vatrana closed its evidence. Reference was fixed for evidence of the workman. At this stage parties arrived at a compromise Shri P. C. Vatrana made statement that respondent-management is willing to take back the workman in service and shall also make payment of retrenchment compensation from the date of appointment till the day of termination as per rules, in other words 15 days wages. He also stated that benefit of continuity in service shall be given but no back wages shall be paid to the workman.

This statement of A. R. of management accepted by the workman and his A. R.

So in view of the above compromise arrived at between the parties, I order that the workman be taken in service on or before 1st October, 1986. Retrenchment compensation be paid in due course. Workman shall be entitled to the benefit of continuity in service, however the workman shall not be entitled to the back wages, of the period during which the workman remained out of job and employment of the respondent-management as per the compromise arrived at between the parties. I pass award regarding the dispute between the parties accordingly.

Dated the 25th September, 1986.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

Endst. No. 2479, dated 29th September, 1986.

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.